

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT L. MCCRAY, #167 644 * *

Plaintiff, *

v. * CIVIL ACTION NO. 2:05-CV-887-MEF
(WO)

PRISON HEALTH SERVICES, *et al.*, *

Defendants. *

ORDER

On January 20, 2006, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge which is hereby ADOPTED, it is

ORDERED that:

1. Plaintiff's claims of inadequate medical care against Defendants which occurred prior to September 19, 2003, are DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) as such allegations against Defendants are not filed within the time prescribed by the applicable period of limitations;
2. Plaintiff's claims arising from actions taken against him during his confinement in either the Bibb County Correctional Facility or the William E. Donaldson Correctional Facility are DISMISSED without prejudice to the rights of Plaintiff to file a separate 42 U.S.C. § 1983 action in United States District Court for the Northern District of Alabama;

3. Defendants "Medical Administrator (Bibb Correction)," Captain Frederick Freeman, and Sergeant Thomas Butler of the Bibb County Correctional Facility, and Lieutenant Jones of the William E. Donaldson Correctional Facility, are DISMISSED as parties to this cause of action;

4. Plaintiff's claims against Defendants Bhuta and Beatrous are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i);

5. Defendants Bhuta and Beatrous are DISMISSED as parties to this complaint;

6. Defendants Bordoff, Webster, Parker, and Booker are DISMISSED without prejudice as parties to the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii);

7. Defendant State of Alabama Department of Corrections are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i);

8. This case with respect to the remaining claims and defendants is referred back to the Magistrate Judge for further proceedings.

Done this the 27th day of February, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE